

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TEODORO COTERA,)	
)	Plaintiff,
)	
v.)	C.A. No. 04-10831-PBS
)	
CLEANCO MAINTENANCE CORP.,)	
J.L.D. CLEANING SERVICES, INC.,)	
ROBERT LEONE, and DEBORAH LEONE,)	
)	Defendants.
)	

DEFENDANTS' STATEMENT PURSUANT TO LOCAL RULE 16.1**I. Defendants' Description of the Case**

Teodoro Cotera is a resident of Everett, Massachusetts who was employed by the Defendants to perform janitorial services. The Defendants are Robert Leone and Deborah Leone, husband and wife, and their corporations are Cleanco Maintenance Corp. ("Cleanco") and J.L.D. Cleaning Services, Inc. ("J.L.D."). Mr. Leone is the only corporate officer of Cleanco, and Mrs. Leone is the only corporate officer of J.L.D. Mr. Cotera regularly worked for both Cleanco and J.L.D. and was paid in full for the work performed.

II. Defendants' Description of the Disputed Legal Factual Issues

Plaintiff asserts that the corporate defendants were acting as a joint employer under the wage and hour laws and that he is therefore entitled to overtime compensation on his hours worked for both companies exceeding 40 hours per week. The Defendants dispute this and argue that J.L.D. and Cleanco were separate

companies and not joint employers. The Defendants further dispute the Plaintiff's right to recover liquidated or treble damages under the Fair Labor Standards Act and Massachusetts law. In the event the Defendants were found to be a joint employer, their failure to pay overtime was not willful and the Plaintiff is not entitled to treble damages or legal fees.

III. Defendants' Proposed Discovery Plan and Proposed Schedule

The parties have conferred and at least tentatively agreed on the following schedule for the Court's consideration.

- a. Service of Interrogatories and Document Requests by February 28, 2006
- b. Responses to Interrogatories and Document Requests by March 30, 2006
- c. Completion of Depositions by April 30, 2006
- d. Use of Local Rules 26.1(a) Cooperative Discovery to Stipulate as to Hours Worked, Wage Rates, and Other Undisputed Facts In Advance of Trial
- e. If Bench Trial, Trial in May of 2006
- f. If Jury Trial, Local Rule 16.5 Pre-Trial Memorandum Due No Later Than May 31, 2006
- g. If Jury Trial, Pre-Trial Conference, Local Rule 16.5 Trial Brief, and Trial in June of 2006

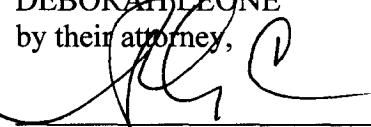
IV. Trial By Magistrate

Defendants consent to trial by Magistrate.

V. Settlement Proposals

Plaintiff provided Defendant a written settlement proposal on both September 8, 2005 and November 9, 2005. The Defendants made a counter proposal on January 3, 2006. The parties have since exchanged counterproposals.

Respectfully submitted,
CLEANCO MAINTENANCE CORP.,
J.L.D. CLEANING SERVICES, INC.,
ROBERT LEONE, and
DEBORAH LEONE
by their attorney,


L. Richard LeClair, III, Esquire
LeClair & LeClair, P.C.
135 Beaver Street, 2nd Floor
Waltham, MA 02452
(781) 893-5655
BBO# 561650